

KELLEY DRYE & WARREN LLP

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October 1, 2004

RECEIVED

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ELECTRONIC FILING

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

Re: *Unbundled Access to Network Elements*, WC Docket No. 04-313; *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338  
Access to Confidential Materials – Supplemental Request

Dear Ms. Dortch:

Pursuant to the Protective Order adopted in the above-referenced proceedings,<sup>1</sup> PACE Coalition, Broadview Networks, Inc., Talk America, Inc., and Grande Communications ("PACE et al.") hereby submit the attached copies of the Acknowledgements of Confidentiality (Appendix B to the Protective Order) signed by the following (the "Signatories"):

- Genevieve Morelli, Partner, Kelley, Drye & Warren LLP;
- Jennifer M. Kashatus, Associate, Kelley, Drye & Warren LLP;
- Erin W. Emmott, Associate, Kelley Drye & Warren LLP;
- Michael Hou, Broadview Networks, Inc.; and
- Joseph Gillan, Gillan Associates.

PACE et al. seeks access to confidential versions of documents filed in the above-referenced proceedings by MCI, AT&T, and United States Telecom Association ("USTA") (the "Parties"). All of the Signatories fall within the "Permissible Disclosure" categories described in paragraph 5 of the Protective Order.

<sup>1</sup> *Unbundled Access to Network Elements*, Protective Order, 19 FCC Rcd 16292 at Appendix A (2004) ("Protective Order")

KELLEY DRYE & WARREN LLP

Marlene H. Dortch, Secretary  
October 1, 2004  
Page Two

As stated in the attached certificate of service, counsel for each party has been served, via Facsimile and Hand Delivery, with a copy of this letter and the executed Acknowledgements of Confidentiality.

Due to the brief interval between the filing of comments and reply comments in this proceeding, PACE requests that this letter toll the three business day waiting period established in paragraph 8 of the Protective Order so that the Signatories can have immediate access to the confidential material, if any, filed by the Parties. Any delay in the ability to review such confidential material would prejudice PACE et al.'s ability to file timely reply comments.

In accordance with the Commission's rules, this letter is being provided to you for inclusion in the public record of the above-referenced proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer M. Kashatus".

Jennifer M. Kashatus

Attachments – Acknowledgements of Confidentiality

cc: Attached Service List

## APPENDIX B

Acknowledgment of Confidentiality

CC Docket No. 01-338 &amp; WC Docket No. 04-313

I hereby acknowledge that I have received and read a copy of the Protective Order in the above-captioned proceeding, and I understand it. I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents or Confidential Information except as allowed by the Protective Order. I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission.

Without limiting the foregoing, to the extent that I have any employment, affiliation or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or public interest organization), I acknowledge specifically that my access to any information obtained as a result of the order is due solely to my capacity as Counsel or consultant to a party or other person described in paragraph 5 of the foregoing Protective Order and that I will not use such information in any other capacity nor will I disclose such information except as specifically provided in the Protective Order.

I hereby certify that I am not involved in "competitive decision-making" as that term is used in the definition of In-House Counsel in paragraph 2 of the Protective Order.

I acknowledge that it is my obligation to ensure that: (1) Stamped Confidential Documents and Confidential Information are used only as provided in the Protective Order; and (2) Stamped Confidential Documents are not duplicated except as specifically permitted by the terms of paragraph 10 of the Protective Order. I certify that I have verified that there are in place procedures, at my firm or office, to prevent unauthorized disclosure of Stamped Confidential Documents or Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Washington, D.C. this 30 day of September, 2004



Genevieve Morelli  
Partner  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004

Jennifer M. Kashatus  
Jennifer M. Kashatus  
Associate  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

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Executed at Washington, D.C. this 30 day of September, 2004



Erin W. Emmott  
Associate  
Kelley, Drye & Warren, LLP  
1200 19th Street, N.W., Ste. 500  
Washington, D.C. 20036  
202-955-9600

## Federal Communications Commission

DA 04-3152

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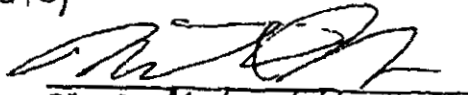
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Executed at Newark, NJ this 30 day of September, 2004  
(Broadview Networks)



[Name] Michael Flou

[Position] SVP

[Address] Broadview Networks  
744 Broad St, Newark, NJ 07102

[Telephone] (973) 848-8900

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Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed at Missoula, MT this 30 day of September, 2004.

[Name]  
[Position]

Joseph Gillan

[Address]  
[Telephone]

PO Box 541038  
Orlando FL 32854

## CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 1st day of October, 2004, I caused to be served a true and correct copy of the foregoing letter and Acknowledgements of Confidentiality by Hand Delivery\* and Electronic Mail\*\* to the following:

### USTA

Michael K. Kellogg\*  
Mark L. Evans  
Sean A. Lev  
Kellogg, Huber, Hanson, Todd & Evans, PLLC  
1615 M Street, NW, Suite 400  
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Michael T. McMenamin\*  
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### AT&T

David L. Lawson\*  
C. Fredrick Beckner III  
Sidley Austin Brown & Wood LLP  
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Joan Marsh\*  
AT&T  
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Suite 100  
Washington, D.C. 20036

### MCI

Ruth Milkman\*  
A. Renee Callahan  
Lawler, Metzger and Milkman, LLC  
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Washington, D.C. 20006

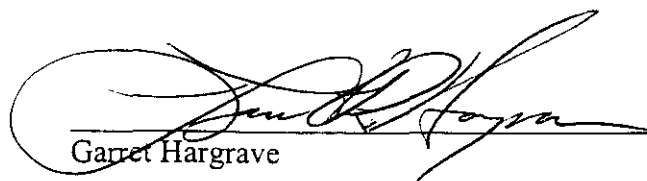
### FCC

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Wireline Competition Bureau  
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Garret Hargrave